

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 21, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 14, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated June 14, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. Recognition of Marylyde Kornfeld and the Harvest Project (Wendy Andorf and DeLayne Peck) for receiving the 2005 Horizon Award from the Community Health Endowment - June Pederson, Lincoln Area Agency on Aging Director and Dean Settle, Community Mental Health Center Director

June Pederson, Lincoln Area Agency on Aging Director, and Dean Settle, Community Mental Health Center Director recognized Marylyde Kornfeld and the Harvest Project for receiving the 2005 Horizon Award from the Community Health Endowment.

3) **CLAIMS: Approval of all claims processed through Tuesday, June 21, 2005.**

MOTION: Workman moved and Stevens seconded approval of all claims processed through June 21, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. County Special Permit 05025, requested by Roger and Lynn Engelbart, for authority to reside in a mobile home as a temporary residence while building a permanent residence on property generally located at Northwest 112th Street and West Fletcher Road in Lancaster County, Nebraska. (See New Business Item 5A for correlating resolution.)

The Chair opened the public hearing and asked if anyone wished to testify in favor, opposition or in a neutral position to the proposal.

No one appeared and the hearing was closed.

B. County Change of Zone 05032, from AG Agricultural District to AGR Agricultural Residential District, requested by Valerie B. Harris, on property generally located at the southeast corner of Southwest 56th Street and West Denton Road in Lancaster County, Nebraska. (See New Business Item 5B for correlating resolution.)

The Chair opened the public hearing and asked if anyone wished to testify in favor of Change of Zone 05032.

No one appeared.

The Chair asked if anyone wished to speak in opposition.

The Clerk administered the oath to Rex Brinton, 7000 Southwest 49th Street.

Brinton testified in opposition stating there are covenants in place restricting nuisances which would apply in this situation.

The Clerk administered the oath to Audrey Haake, 5400 West Deercrest Drive, Denton, Nebraska.

4) **PUBLIC HEARINGS CONTINUED:**

Haake testified in opposition citing section four of the covenants which provide that "no noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon, which may be or become an annoyance or nuisance to the neighborhood". She also cited section seven of the covenants which provide that "no animals, including but not limited to livestock, poultry, dogs or cats shall be kept, bred, boarded or maintained for commercial purposes and for any use other than personal use". Haake testified that they have seen at least four puppies this spring in addition to showing photographs of additional dogs and the kennels.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

A. Comprehensive Plan Amendment 05012, by the Director of Planning at the request of Prairie Homes, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change the land use from Urban Residential to Commercial and to change the commercial size designation from Neighborhood Center to Community Center, on land generally located at North 84th and Adams Streets.

Stevens reported he spoke with Peter Katt, attorney representing Prairie Homes, who indicated he would prefer the County Board withdraw the Comprehensive Plan Amendment.

Discussion followed regarding withdrawal of the amendment.

Heier reiterated for the record that the County Board made no representation to anyone regarding Wal-Mart. He stated the Board made a statement that they would like to see the corner commercialized.

MOTION: Schorr moved and Stevens seconded withdrawal of Comprehensive Plan Amendment 05012 at the request of the Planning Department and Prairie Homes. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Special Permit 05025, requested by Roger and Lynn Engelbart, for authority to reside in a mobile home as a temporary residence while building a permanent residence on property generally located at Northwest 112th Street and West Fletcher Road (11255 West Fletcher Road) in Lancaster County, Nebraska. (R-05-0074)

MOTION: Workman moved and Schorr seconded approval of Resolution 05-0074 in the matter of County Special Permit 05025, requested by Roger and Lynn Engelbart.

FRIENDLY AMENDMENT: Heier moved and Hudkins seconded to include that removal of the mobile home be completed 30 days after the permanent residence is completed and occupancy has taken place with removal of the mobile home to be done by the property owner or the County at the property owners expense.

In response to a question asked by Hudkins, Mike DeKalb, Planning Department, stated that Building and Safety is the enforcement agency. He explained that when Building and Safety issues the occupancy permit they inform the property owner(s) that the temporary residence must be removed as a condition of the special permit. He added that as follow-up they typically mail two to three letters to ensure that the temporary residence is removed. If the property owner doesn't comply, Building and Safety then forwards the matter to the County Attorney's Office. DeKalb stated as soon as the occupancy permit is issued and individuals move in the special permit is no longer valid.

Additional discussion took place regarding the process for removal of a temporary residence.

ROLL CALL ON FRIENDLY AMENDMENT: Heier and Hudkins voted aye. Stevens, Workman and Schorr voted no. Motion failed.

ROLL CALL ON ORIGINAL MOTION: Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

B. A resolution in the matter of County Change of Zone 05032 requested by Valerie Harris, from AG Agricultural to AGR Agricultural Residential, on property generally located at the southeast corner of Southwest 56th Street and West Denton Road (7101 Southwest Hunters Circle, Denton, NE.) (R-05-0072)

MOTION: Workman moved and Schorr seconded approval of Resolution 05-0072 denying County Change of Zone 05032 requested by Valerie Harris. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

C. A resolution approving Comprehensive Plan Amendment 04010, requested by Apple's Way, L.L.C., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change the land use designation from Urban Residential to Commercial on property generally located at South 66th Street and Highway 2. (R-05-0071)

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0071 approving Comprehensive Plan Amendment 04010, requested by Apple's Way, L.L.C., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change the land use designation from Urban Residential to Commercial on property generally located at South 66th Street and Highway 2. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

D. A resolution authorizing the installation of a 40 mile per hour speed limit sign for eastbound traffic on West Sprague Road after the existing "Reduced Speed Ahead" sign and before the existing 25 mile per hour speed limit sign at the west village limit of Sprague. (R-05-0073)

MOTION: Workman moved and Heier seconded approval of Resolution 05-0073 authorizing the installation of a 40 mile per hour speed limit sign for eastbound traffic on West Sprague Road after the existing "Reduced Speed Ahead" sign and before the existing 25 mile per hour speed limit sign at the west village limit of Sprague. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

E. An application for a Special Designated License from K-SARA Enterprises, Inc. d/b/a Kevin Meier Imports to provide liquor beverage service in connection with a post race ceremony for 'Footstock' (10k road race) on Saturday, July 9, 2005 from 4 p.m. to 1 a.m. at South 121st and "A" Streets, Walton, Lancaster County, Nebraska.

MOTION: Heier moved and Stevens seconded approval of an application for a Special Designated License from K-SARA Enterprises, Inc. d/b/a Kevin Meier Imports to provide liquor beverage service in connection with a post race ceremony for 'Footstock' (10k road race) on Saturday, July 9, 2005 from 4 p.m. to 1 a.m. at South 121st and "A" Streets, Walton, Lancaster County, Nebraska. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

F. An affiliation agreement with the Board of Regents of the University of Nebraska, on behalf of the Clinical Psychology Training Program, for two graduate psychology students who will provide services such as psychotherapy, counseling and psychological testing for the Community Mental Health Center. Term of the agreement is June 1, 2005 to May 31, 2006. The County will pay \$29,354 for the services. (C-05-0327)

MOTION: Schorr moved and Stevens seconded approval of an affiliation agreement with the Board of Regents of the University of Nebraska, on behalf of the Clinical Psychology Training Program. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

G. An interlocal agreement with the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, for medical services at the Youth Services Center. Term of the agreement is July 1, 2005 to June 30, 2006. The County will pay based upon the following rates: a) a monthly fee of \$9,205 for registered nursing services and the availability of physician services, b) \$79.05 per physician's visit to the Detention Center, c) \$8.45 per telephone conversation with a physician, d) physical exam/assessment completed at actual cost, e) \$35 per dose of Hepatitis B vaccine for each employee, f) \$10 for tuberculosis testing of each employee, g) \$20 employment assessment for each employee and h) \$40 per hour for on-site laboratory services by a laboratory technician.

6) **NEW BUSINESS CONTINUED:**

Should the County Attorney's Office require conferences, meetings, or in-court testimony of nurses, it will be billed to the County at the rate of \$42.50 per hour, and should the County Attorney's Office require the same of physicians, it will be billed to the County at the rate of \$79.50 per hour. (C-05-0328)

MOTION: Workman moved and Heier seconded approval of an interlocal agreement with the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, for medical services at the Youth Services Center. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

H. An agreement with Great Plains Appraisal to provide referees to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations. Great Plains Appraisal will provide the services of Richard Keith, Wayne Kubert, Cay Lacey, Tom Kubert, Mickey Tuttle, Shana Sprackling, Ty Fleck, Cody Gerdes and Lori Johnson. The County will pay from \$25 per hour for clerical support to \$80 per hour for referees. (C-05-0330)

MOTION: Heier moved and Stevens seconded approval of an agreement with Great Plains Appraisal to provide referees to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

I. Referee agreements with the following individuals to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations:

<u>Name of Individual</u>	<u>Hourly Rate</u>
Robert W. Anderson (C-05-0331)	\$65
Frederick W. Briggs (C-05-0332)	\$70
Stephen R. Hanks (C-05-0333)	\$80
Mona R. Kubert (C-05-0334)	\$60
Bill Lange (C-05-0335)	\$60
John Robert Layman (C-05-0336)	\$85
Steve Medill (C-05-0337)	\$70
Barbara J. Ramm (C-05-0338)	\$65
Larry Swanson (C-05-0339)	\$80

6) **NEW BUSINESS CONTINUED:**

Marilyn Tabor (C-05-0340)	\$60
Sally A. Webster (C-05-0341)	\$60
Larry K. Wrasse (C-05-0342)	\$60

MOTION: Stevens moved and Schorr seconded approval of referee agreements to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

J. An agreement with Samaritan Counseling Center for after hours emergency mental health services through an emergency crisis line. The County, through the Community Mental Health Center, will provide services to clients of Samaritan Counseling Center when the Center is closed. The County will be paid \$50 per hour and calculated per quarter hour. Term of the agreement is January 1, 2005 to June 30, 2005. (C-05-0343)

MOTION: Stevens moved and Workman seconded approval of an agreement with Samaritan Counseling Center for after hours emergency mental health services through an emergency crisis line. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

K. A system service agreement with General Fire & Safety Equipment Company of Lincoln to service the Kitchen Hood Fire Suppression System at the Community Mental Health Midtown Center, located at 2966 "O" Street. The County will pay \$65 for each semi-annual inspection. (C-05-0345)

MOTION: Workman moved and Stevens seconded approval of a system service agreement with General Fire & Safety Equipment Company of Lincoln to service the Kitchen Hood Fire Suppression System at the Community Mental Health Midtown Center, located at 2966 "O" Street. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

L. Amendment No. 1 to the network provider contract with the Regional Behavioral Health Authority (Region V), under County Contract C-04-0493, for the provision of certain mental health, alcoholism, substance abuse and related behavioral mental health services at the Community Mental Health Center. The amendment increases the amount that the County will be reimbursed from \$4,313,859 to \$4,351,665. (C-05-0329)

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of Amendment No. 1 to the network provider contract with the Regional Behavioral Health Authority (Region V), under County Contract C-04-0493, for the provision of certain mental health, alcoholism, substance abuse and related behavioral mental health services at the Community Mental Health Center. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

M. A subscription plan amendment and appropriation of funds amendment between Lexis Nexis, the City of Lincoln and Lancaster County to reduce the number of users from 110 to 85. Such reduction is due to the Judges and their law clerks moving to the State Lexis contract. The new monthly rate per user will be \$30 with a three percent escalator per year. Term of the amendment is July 1, 2005 through June 30, 2008. (C-05-0344)

MOTION: Schorr moved and Stevens seconded approval of a subscription plan amendment and appropriation of funds amendment between Lexis Nexis, the City of Lincoln and Lancaster County to reduce the number of users from 110 to 85. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

N. Addendum No. 3 to an agreement with ARAMARK Correctional Services, Inc., under County Contract C-02-0454, for the management of the food service at the Lancaster County Corrections facility. The amendment increases the price per meal charged as a result of an increase in the Consumer Price Index (C.P.I.). The new prices will be effective on June 1, 2005 and remain firm through May 31, 2006. (C-05-0346)

MOTION: Heier moved and Workman seconded approval of Addendum No. 3 to an agreement with ARAMARK Correctional Services, Inc., under County Contract C-02-0454, for the management of the food service at the Lancaster County Corrections facility. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

O. A political subdivision tort claim filed against Lancaster County by Roger P. Cox, on behalf of Henry L. Balters, in the amount of \$10,000.

This item was held one week.

P. A political subdivision tort claim filed against the Lancaster County Corrections Department by Elizabeth Hogrefe for medical bills and "reimbursement" for days spent in jail.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the Corrections Director and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Elizabeth Hogrefe for medical bills and "reimbursement" for days spent in jail. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting of public hearings for Tuesday, July 5, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. Street Name Change 05005, requested by Brian D. Carstens, on behalf of BAE, L.L.C., to change the name of the main public street in The Preserve at Cross Creek from "Wildflower Lane" to "Prairie Flower Lane", generally located at South 68th Street and Roca Road in Lancaster County, Nebraska.

2. County Special Permit 05026, requested by Nextel Partners, to allow a 349 foot tower for wireless facilities, including a waiver of the fall zone, on property generally located northeast of the intersection of South 68th Street and Olive Creek Road in Lancaster County, Nebraska.

MOTION: Stevens moved and Heier seconded approval of the Consent Items. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

8) **EMERGENCY ITEM:**

Authorization of Doug Ahlberg, Emergency Management Director, to testify in Washington D.C. at a Senate Subcommittee Hearing regarding National Oceanic and Atmospheric Administration (N.O.A.A.) weather forecasting at the request of Senator Ben Nelson. This will be an estimated cost of \$1,000. Senator Nelson requests a response on June 21, 2005.

MOTION: Heier moved and Schorr seconded to declare an emergency and add to the agenda the authorization of Doug Ahlberg, Emergency Management Director, to testify in Washington D.C. at a Senate Subcommittee Hearing regarding National Oceanic and Atmospheric Administration (N.O.A.A.) weather forecasting at the request of Senator Ben Nelson. This will be an estimated cost of \$1,000. Senator Nelson requests a response on June 21, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Doug Ahlberg, Emergency Management Director, explained that he was asked to testify in Washington D.C. before the Commerce Committee Disaster Prevention and Prediction Subcommittee on June 29, 2005. He stated a group of individuals will be testifying in regards to the National Weather Service and warning systems during certain weather conditions. Ahlberg added that he has money left in his 2004-2005 budget to pay for expenses.

Offered and marked for the record were the following:

- ▶ Email, dated June 17, 2005, from Angela Stroschein, Legislative Assistant to Senator Ben Nelson, regarding a hearing with the Commerce Committee's Disaster Prevention and Prediction Subcommittee. (Exhibit 1)
- ▶ Email, dated June 17, 2005, from Mark Bowen, Chief of Staff for Mayor Coleen Seng. (Exhibit 2)

MOTION: Heier moved and Schorr seconded to authorize Doug Ahlberg, Emergency Management Director, to testify in Washington D.C. at a Senate Subcommittee Hearing regarding National Oceanic and Atmospheric Administration (N.O.A.A.) weather forecasting at the request of Senator Ben Nelson. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners at 2:38 p.m.. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 21, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:38 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 14, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated June 14, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Schorr moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Madonna Rehabilitation Hospital
St. Elizabeth Regional Medical Center
VITAL Services, Inc.**

MOTION: Heier moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:40 p.m.. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk